

By Direction of the Commission.

Donald S. Clark,
Secretary.

Separate Statement of Commissioner Strenio

I am skeptical about whether the proposed amendments would confer net benefits. Nonetheless, these proposals are entitled to serious consideration and public comment should serve that end.

[FR Doc. 88-21524 Filed 9-21-88; 8:45 am]

BILLING CODE 6750-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-3450-3]

Intent to Delete the New Castle Steel Site From the National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces its intent to delete a site from the National Priorities List (NPL) and requests public comments. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended.

DATE: Comments concerning the site may be submitted on or before October 24, 1988.

ADDRESSES: Comments may be mailed to the Regional Docket. Comprehensive information on the site is maintained and available through the EPA Regional Docket Clerk.

The Regional Docket is located at the U.S. EPA Region III office and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays. Requests for copies of the information from the Regional public docket should be directed to the EPA Region III docket office.

Addresses for the Regional and Local Docket office are:

U.S. EPA Region III, 841 Chestnut Building, Philadelphia, PA 19107
Wilmington Library, 10th & Market Streets, Wilmington, Delaware 19801
DNREC, 715 Grantham Lane, New Castle, Delaware 19720.

FOR FURTHER INFORMATION CONTACT: Colleen Leden at (215) 597-8593.

For background information on the site, contact:

Leonard Nash, DELMARVA/DC/WV
CERCLA, Remedial Enforcement
Section (3HW16), U.S. Environmental
Protection Agency, Region III, 841
Chestnut Building, Philadelphia, PA
19107, (215) 597-0978.

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I. Introduction

The Environmental Protection Agency (EPA) Region III announces its intent to delete the New Castle Steel site from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund ("Fund") financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that future conditions at the site warrant such action.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR § 300.66(c)(7), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA must first determine that the remedy (or no remedy if appropriate) is protective of public health, welfare, and the environment. In addition, section 121(f)(1)(c) of CERCLA requires State concurrence for deleting a site from the NPL.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 105(e) of CERCLA states:

"Whenever there has been, after January 1, 1985, a significant release of hazardous substances or pollutants or contaminants from a site which is listed by the President as a 'Site Cleaned Up To Date' on the National Priorities List, the site shall be restored to the National Priorities List without application of the hazard ranking system."

III. Deletion Procedures

In the NPL rulemaking published in the **Federal Register** on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice and comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments were also received in response to the amendments to the NCP that were proposed in the **Federal Register** on February 12, 1985 (50 FR 5862). Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights of obligations. The NPL is designed primarily for informational purposes and to assist Agency management. As is mentioned in Section II of this notice, Section 105(e) of CERCLA makes clear that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

EPA Region III will accept and evaluate public comments. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community are likely to be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site:

1. EPA Region III has recommended deletion and has prepared the relevant documents.

2. The State of Delaware has concurred with the deletion decision.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in local and community newspapers and has been distributed to appropriate federal, state, and local officials, and other interested parties. This local notice announces a thirty (30) day public comment period on the deletion package, which starts two weeks from the date of the notice, October 6, 1988, and will conclude on October 24, 1988.

4. The Region has made all relevant documents available in the Regional Office and local site information repository.

The comments received during the notice and comment period will be evaluated before the final decision to delete. The Region will prepare a Responsiveness Summary, which will address the comments received during the public comment period.

A deletion will occur after the Assistant Administrator for the Office of Solid Waste and Emergency Response places a notice in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region III.

IV. Basis for Intended Site Deletion

New Castle Steel Co. (Deemer Steel),
New Castle, New Castle County,
Delaware

The New Castle Steel Site is a 3-acre disposal dump located in New Castle, Delaware. The site received foundry wastes from the Deemer Steel Company which is located immediately across the street from the site. The New Castle Steel Site is divided into two parts by a city drainage channel. One portion of the site, the inactive disposal area, occupies 1.3 acres and the active area occupies 1.75 acres.

The operations began in 1907 Solid waste generated by the plant was piled and periodically spread over the surface of two disposal areas across the street from the Deemer Steel Company. The waste consisted primarily of black sand, which is the non-reclaimable portion of sand molds used in steel casting. The black sand may contain small quantities of bentonite or corn flour which are used as "binders" to allow the mold to be formed. About 1,800 cubic yards or 2,430 tons of black sand were generated each year. Other waste materials sent to the disposal areas and mixed with black sand included slag, coke from the old furnace operation, iron oxide scale from heat treatment, fine sand dust from the blasting room baghouse, and metal scrap.

In 1956, an electric furnace was put into operation, and in May 1973, a collection system and baghouse for pollution control dust from the furnace was installed. Electric furnace dust had been generated at a rate of 9.6 tons per year between 1973 and 1980. This dust was mixed with black sand and spread over the active waste area.

In June 1983, Deemer Steel hired a contractor to prepare and implement plans for the hydrogeological investigation at the site. On June 29, 1984, Earth Data submitted a completed hydrogeological report to EPA and the State for their review. The

hydrogeological report showed that there was no effect on the aquifer used for drinking water in the New Castle area. This aquifer, the Potomac Aquifer, is protected from the site by fifty feet of low permeability clays. The report concluded that the leachate generated by the fill would not contain significant levels of any toxic constituents.

Based on the hydrogeological study, the state of Delaware proposed in January 1985 that the site be deleted from the National Priorities List. For deletion, the EPA required that the other potential modes of transmission of toxic materials including air, soils, and surface runoff be examined.

In January 1987, EPA collected additional waste, surface water, and sediment samples to characterize the extent of contamination at the site.

After the completion of all sampling the EPA prepared an Endangerment Assessment report to evaluate the magnitude and probability of actual or potential threat to public health or welfare or the environment posed by the hazardous substances present at the site.

Based on the evaluation of all available information and data on the New Castle Steel site, it was determined that there exists no significant threat to human health or the environment. This is supported by a review of the site's history and operations, an evaluation of the environmental setting, and the data collected in the studies of the site.

EPA, with the concurrence of the State of Delaware, has determined that the New Castle Steel site poses no significant threat to public health or the environment and therefore has decided that implementation of remedial measures is not appropriate.

Date: August 17, 1988.

James Seif,

Regional Administrator.

[FR Doc. 88-21398 Filed 9-21-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. MM-88-376; FCC 88-252]

Improvement in the Quality of the AM Broadcast Service by Reducing Adjacent Channel Interference and by Eliminating Restrictions Pertaining to the Protected Daytime Contour

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Commission issued this Notice of Proposed Rule Making in response to comments received concerning two issues raised in the Notice of Inquiry in Mass Media Docket No. 87-267 and in response to a Petition for Rule Making submitted by the National Association of Broadcasters (RM-6147 received on November 6, 1987) requesting that the Commission mandate that AM broadcast stations use an audio standard developed by the National Radio Systems Committee.

DATES: Comments are due on or before November 22, 1988 and Reply Comments due on or before December 22, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hank VanDeursen, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, adopted July 20, 1988 and released September 12, 1988.

The full text of this Commission proposal is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Notice

The Commission is proposing to require that AM broadcast stations reduce emissions that cause adjacent channel interference and is also proposing to give AM applicants the option of proposing facilities whose coverage areas would be subject to some interference if no additional interference is caused to other stations. Specifically, the proposed revisions would:

(1) Require that stations comply with revised RF emission limitations (RF mask) developed by the National Radio Systems Committee (NRSC). The *Notice* explains in depth how the implementation of the RF mask should reduce the levels of adjacent channel interference experienced by current receivers and should be effective in prompting development of AM receivers capable of improved fidelity sound. The RF mask would be effective in dealing with potential problems involving overmodulation (a problem many commenters believe to be rather severe